

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

✓ **DOCKETED** *de jure*
Nov. 30, 2005
Written opinion

To:
GOWLING LAFLEUR HENDERSON LLP
2300 - 1055 Dunsmuir St.
VANCOUVER, British Columbia
Canada, V7X 1J1

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing 25 May 2005 (25-05-2005)
(day/month/year)

Applicant's or agent's file reference
V80226WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2005/000100

International filing date (day/month/year)
28 January 2005 (28-01-2005)

Priority date (day/month/year)
30 January 2004 (30-01-2004)

International Patent Classification (IPC) or both national classification and IPC
IPC(7): B62B 1/20, B62B 1/12

Applicant
FOLD-A-TOOLS MANAGEMENT INC. ET AL

1. This opinion contains indications relating to the following items :

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the opinion |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. |
| <input checked="" type="checkbox"/> Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
Canadian Intellectual Property Office
Place du Portage I, C114 - 1st Floor, Box PCT
50 Victoria Street
Gatineau, Quebec K1A 0C9
Facsimile No.: 001(819)953-2476

Authorized officer

Jennifer Stickley (819) 956-0758

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

[] furnished subsequently to this Authority for the purposes of search.

3 [] In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or
furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as
filed or does not go beyond the application as filed, as appropriate, were furnished.

Page 2 of 6

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1 - 11</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1 - 11</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 11</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations :

D1: WO 9815447 A1 (FAB DEVELOPMENTS INC.) 16 April 1998 (16-04-1998)

Novelty (N)

The document D1 is considered to describe the closest prior art.

D1 discloses a foldable wheelbarrow comprising a frame, a wheel and a collapsible container. The frame comprises: a wheel mounting assembly having a pair of handles and a kicker, the kicker having a pair of interconnected longitudinally-extending members each rotatably connected to an associated handle such that the handles are rotatable between handle erected and handle folded positions; a leg assembly having a pair of interconnected longitudinally-extending support members each rotatably connected to the kicker and rotatable between leg erected and leg folded positions; and locking means for locking the handles in the erected position.

The distinguishing feature of the claims, regarding the disclosure of D1, is the inclusion of at least one frame support member rotatably connected to one handle and to the leg assembly, such that rotation of the connected handle causes the leg assembly to rotate relative to the wheel mounting assembly.

Consequently, the subject matter of claims 1 - 11 is novel in respect of the prior art as defined in the regulations (PCT Rule 64) and thus meets the requirements of PCT Article 33(2).

Inventive Step (IS)

The subject matter of claims 1 - 11 is considered to have involved an inventive step and thus meets the requirements of PCT Article 33(3).

Industrial Applicability (IA)

The subject matter of claims 1 - 11 is considered to be industrially applicable and thus fulfills the requirements of PCT Article 33(4).

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
-------------------------------	--------------------------------------	---------------------------------	---

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure _____	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
Exhibition → Canadian Hardware Show Toronto Ontario Canada	11/2003	04/04/2004

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

The abstract does not comply with PCT Rule 8.1(d). Each technical feature mentioned in the abstract and illustrated by a drawing in the international application should be followed by a reference sign, placed between parentheses.

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

The description does not comply with PCT Article 6. A statement, such as found on page 18, which implies that the protection sought may be expanded to cover the "spirit" of the invention, should be removed.

Claim 10 does not comply with PCT Article 6. The expression "the kicker members" has no antecedent.